

REMARKS

INTRODUCTION

The Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-21 are pending in the present application. Claims 1, 3, 4, 6, and 16 are the independent claims.

Initially, the Applicant notes claims 11-15 and 21 were indicated as containing patentable subject matter and would be allowed if rewritten in independent form to include all the limitations of their base claims and any intervening claims. By the present amendment, the Applicant has respectfully maintained claims 11-15 and 21 in dependent form because it is believed, at least for the reasons discussed below, that their respective base claims are allowable.

Claims 1, 4, and 6-8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fukuda et al. (U.S. Patent No. 6,351,440).

Claim 3 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Hirashima (U.S. Patent No. 6,377,527).

Claims 16 and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yen et al. (U.S. Patent No. 6,097,680).

Claims 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukuda et al. (U.S. Patent No. 6,351,440) in view of Fueki et al. (E. P. No. 0 833 328 A2).

Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukuda et al. (U.S. Patent No. 6,351,440) in view of Hirashima (U.S. Patent No. 6,377,527).

Claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yen et al. (U.S. Patent No. 6,097,680) in view of Hirashima (U.S. Patent No. 6,377,527).

No new matter is being presented, approval and entry of the forgoing amendments is respectfully requested.

PRIOR ART UNDER 35 U.S.C. §102(e)

The Applicant submits that the date of invention for the above referenced application is on or before July 8, 1999. Specifically, the Applicant submits that the date of filing of the corresponding Korean Patent Application No. 99-27456 upon which priority has been claimed establishes a reduction to practice on July 8, 1999.

U Since Hirashima (U.S. Patent No. 6,377,527) has a U.S. filing date of December 23, 1999, it is respectfully submitted that the Applicant's date of invention on or before July 8, 1999 predates the U.S. filing date of Hirashima. As such, Hirashima no longer qualifies as prior art under 35 U.S.C. §102(e) since the invention was not "described in a patent granted on an application for patent by another filed in the United States *before the invention thereof by the applicant for patent.*" MPEP 2136.05, MPEP 715.

REJECTION UNDER 35 U.S.C. §102:

15 On pages 2 and 3, item 3, of the Office Action, the Examiner rejects claims 1, 4, and 6-8 under 35 U.S.C. § 102(e) as being anticipated by Fukuda et al. (U.S. Patent No. 6,351,440). This rejection is respectfully traversed and reconsideration is requested.

As a point of clarification, claims 6-8 have been cancelled without prejudice or disclaimer. As such, it is respectfully submitted that the rejection of these claims is deemed moot.

20 With respect to claim 1, the Examiner cites Fukuda et al. as disclosing a method comprising "positioning a pick-up at a predetermined position on the disc" (Office Action, page 2, paragraph 5). The Examiner cites Col. 12, line 60 through Col. 13, line 18 as disclosing, "positioning a pick-up at a predetermined position on the disc." The Applicant respectfully submits that while this section of Fukuda et al. may teach setting a rotational speed, using a pre-amplifier circuit, and obtaining a number of track crossing pulses, no mention is made of positioning a pick-up. As such, the Applicant respectfully submits that Fukuda et al. does not disclose positioning a pick-up at a predetermined location as recited in claim 1 of the present invention. The applicant further submits that Fukuda et al. does not disclose or suggest the invention recited in claim 1.

20 With respect to claim 4, the Examiner states that the citation discloses, "a signal comparator generating a tracking traverse pulse after comparing the tracking traverse signal amplified in the signal amplifying unit with a base signal (Fig. 10, element 7)" (Office Action, page 3, paragraph 2). The Applicant respectfully submits that Fig. 10, element 7 does not

disclose or suggest this element of claim 4. The Applicant submits that Fig. 10, element 7 is, "a signal processing circuit 7 [that] generates a clock signal from the demodulated signal" (Fukuda et al., col. 1, lines 49-50). The Applicant further submits, that the citation does not disclose or suggest, "a signal comparator generating a tracking traverse pulse after comparing the tracking
5 traverse signal amplified in the signal amplifying unit with a base signal" as recited in claim 4 of the present invention. The citation recites the following:

10 When the disc 1 is rotated ... a signal ... is reproduced from the disc 1 by the information reader 4 and a regenerative signal therefrom is amplified by the preamplifier circuit 40 to be waveform shaped. At least part of the regenerative signal is supplied to the CPU 50 and counter 60 as a track crossing pulse D. ... the counter 60 counts edges of this track crossing pulse D ... the counter 60 can obtain a number N1 of pulses of a track crossing pulse D for each rotation of the disc 1
15 (Fukuda et al., col. 13, lines 3-18)

The Applicant respectfully submits that the amplified "regenerative signal" of the citation is not compared to a base signal, but is merely accepted as a track crossing pulse and counted
20 by the counter. Nor does the citation disclose, "a control unit counting the number of tracking traverse pulses generated by the signal comparator" as the Examiner states on page 3, paragraph 2, of the Office Action. The citation does not disclose or suggest a signal comparator that generates tracking traverse pulses. As such the Applicant respectfully submits that Fukuda et al. does not disclose or suggest the invention recited in claim 4.

25 On page 4, item 4, of the Office Action, the Examiner rejects claim 3 under 35 U.S.C. §102(e) in view of Hirashima (U.S. Patent No. 6,377,527). The rejection is respectfully traversed and reconsideration is requested.

30 Since Hirashima is no longer prior art as discussed above, and since the Examiner cites no other prior art as anticipating claim 3, it is respectfully submitted that claim 3 is deemed patentable.

On pages 4 and 5, item 5, of the Office Action, the Examiner rejects claims 16 and 17 under 35 U.S.C. § 102(e) as being anticipated by Yen et al. (U.S. Patent No. 6,097,680). The rejection is respectfully traversed and reconsideration is requested.

As a point of clarification, claim 16 has been cancelled without prejudice or disclaimer.
35 As such, it is respectfully submitted that the rejection of these claims is deemed moot.

As an additional point of clarification, amended claim 17 has been rewritten in independent form to include the limitations of cancelled claim 16.

On page 5, paragraph 2, of the Office Action, the Examiner cites Yen et al. as disclosing a control unit that, "determines a frequency of vibration of the disc based upon the track traverse pulse counts." The Applicant respectfully submits the citation does not determine the frequency of vibration. Rather, as described in Yen et al. (col. 4, lines 30-60), the citation teaches counting track deviation signals over an amount of time, and if the number of signals is greater than a predetermined number, the disc speed reduced. The same operation is then performed at the new speed. Therefore, Yen et al. does not disclose or suggest the determining the frequency of vibration, and therefore does not disclose or suggest the invention recited in amended claim 17.

REJECTION UNDER 35 U.S.C. 103:

In the Office Action at pages 5 and 6, item 6, the Examiner rejects claims 2 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Fukuda et al. (U.S. Patent No. 6,351,440) in view of Fueki et al. (E. P. No. 0 833 328 A2). The rejection is respectfully traversed and reconsideration is requested.

The Applicant respectfully submits that claim 2 depends from claim 1, and claim 5 depends from claim 4, and therefore, the dependent claims 2 and 5 are patentable for at least the same reasons as their respective base claims.

In the Office Action at pages 6-7, item 7, the Examiner rejects claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Fukuda et al. in view of Hirashima. The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that Fukuda et al. discloses the features as described in the Office Action, Fukuda et al. is not relied upon as disclosing, and does not disclose, the features of the recited invention without Hirashima. Since Hirashima is not prior art as discussed above, it is respectfully submitted that claims 9 and 10 remain patentable over Fukuda et al.

Furthermore, the Applicant submits that claim 9 has been amended to recite the limitations of cancelled claims 6-8, and has been written in independent form.

In the Office Action at pages 7-8, item 8, the Examiner rejects claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Yen et al. in view of Hirashima. The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that Yen et al. discloses the features as described in the

Office Action, Yen et al. is not relied upon as disclosing, and does not disclose, the features of the recited invention without Hirashima. Since Hirashima is not prior art as discussed above, it is respectfully submitted that claims 18-20 remain patentable over Yen et al.

CONCLUSION

The Applicant respectfully submits that independent claims 1, 3, 4, 9, and 17 of the present invention patentably define the present invention over the citation of record. The dependent claims 2, 5, 10-15, and 18-21 should also be allowable for at least the same reasons as their respective base claims, and further due to the additional features that they recite.

The Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

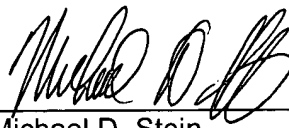
Respectfully submitted,

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11/10/03

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